

**CHAPTER 4 COMPREHENSIVE PLAN: ENVIRONMENTAL
PROTECTION ELEMENT**

Secs.	
400	Declaration of Major Policies
401	Environmental Protection Goal
402	Improving Water Quality
403	Improving Air Quality
404	Solid Waste Management
405	Protecting the Quality of the Land Areas
406	Environmental Health and Sanitation
407	Conserving Water
408	Conserving Energy
409	Food Production and Urban Gardens
410	Reducing the Impact of Aircraft Noise
411	Reducing the Impact of Electromagnetic Field Radiation
412	Public Action
499	Definitions

400 DECLARATION OF MAJOR POLICIES

- 400.1 Environmental concerns encompass the protection of the natural environment and the regulation of the human environment in ways that maintain and enhance the quality of life and the sense of well-being of the occupants of the District.
- 400.2 The Environmental Protection Element responds to urban growth, change, renewal, and the demands of the District's economic development and public facilities programs.
- 400.3 The District has made significant progress in dealing with the pollution of its environment.
- 400.4 The quality of the total environment depends on how environmental protection efforts are discharged and how they relate to other District activities and programs.
- (a) The future envisioned for the District is hospitable to positive growth and change in a protected and enhanced environment; and
 - (b) It is also vital that the cost of environmental protection programs be balanced against the benefits to be gained by their implementation.

401 ENVIRONMENTAL PROTECTION GOAL

- 401.1 It is the goal of the District to protect the environment, to resist threats to its overall quality, to act, to maintain and enhance its positive features in the interest of residents, workers, and visitors, and to protect residential communities from identified environmental hazards by implementing controls that prevent adverse impacts from incompatible uses.

- 401.2 The District supports the objectives of the companion Federal Environment Element and efforts to implement it.

402 IMPROVING WATER QUALITY

- 402.1 The objectives of improving water quality are to improve the quality of water in the rivers and streams of the District to meet public health and water quality standards, and to maintain physical, chemical, and biological integrity of these watercourses for multiple uses, including recreation.

- 402.2 The policies established in support of improving the water quality objectives are as follows:

- (a) Provide for adequate treatment of sewage through continuing efforts and substantial capital investments needed to ensure an adequate level of sewage treatment and to provide sufficient treatment capacity to serve future development needs and consumption patterns;
- (b) Minimize overflows of untreated sewage from the combined sewerage system;
- (c) Prevent further sedimentation of stream beds and valleys wherever possible;
- (d) Reduce water pollution resulting from point and non-point sources;
- (e) Implement all cost-effective means of reducing the volume of sewage requiring treatment;
- (f) Promote water conservation;
- (g) Protect and restore wetlands, develop recreational access to our waterways, and protect and expand the emerging fisheries resource; and
- (h) Initiate a program of testing for lead in each residential property and in any facility that provides water for drink or food preparation, and develop a program for the replacement of lead pipes.

403 IMPROVING AIR QUALITY

- 403.1 The objective of improving air quality is to improve the quality of air in the District and the region so as to meet public health and environmental standards.

- 403.2 The policies established in support of the improving air quality objective are as follows:

- (a) Maintain and enforce the air quality implementation programs of the District, which at least equal the National Ambient Air Quality Standards;
- (b) Strive for full regional acceptance and attainment of appropriate air quality standards;
- (c) Promote land use patterns and transportation services which decrease reliance on automobiles for commuting and other routine trips. (Measures which reduce dependence on automobiles for a significant number of trips are essential to a reduction of regional air pollution. Clustering of residences, shopping, and work places where they can be served efficiently by Metrorail or frequent bus service promotes this essential independence.);
- (d) Evaluate potential air quality emissions related to new and expanded development in the District, including those needed to provide municipal services, such as water supply and treatment, to ensure that adequate controls are implemented for avoiding deterioration of air quality concentrations;
- (e) Develop and implement a radon testing program to be made available to each resident at a nominal fee;
- (f) Require standards for asbestos abatement work in the District, including licensing and inspection, to ensure adequate protection of the health and safety of asbestos abatement workers and commercial and residential occupants of buildings where asbestos abatement work is performed;
- (g) Promote the use of alternative fuels, carpooling, mass transportation, bicycles; and other means to reduce the use of automobiles and resulting air pollution; and
- (h) Upon evidence of an alleged violation of the national ambient air quality standards, the Department of Consumer and Regulatory Affairs ("DCRA") shall investigate within ten (10) days and, if DCRA finds a violation, shall issue and make available to the public within thirty (30) days a written report of its investigation of the violation which shall include documenting evidence and recommendations.

404 SOLID WASTE MANAGEMENT

404.1 The objective for solid waste management is to develop safe and effective methods for reducing, collecting, recycling, and disposing of solid waste and sewage sludge.

404.2 The policies established in support of the solid waste management objective are as follows:

- (a) Develop and implement a reliable program of solid waste and sludge management that is cost-effective, environmentally sound, and fully coordinated with all responsible jurisdictions and regulatory bodies;

- (b) Ensure reliable, adequate refuse collection from residences, business establishments, and other facilities;
- (c) Encourage the recovery and recycling of solid waste and sewage sludge materials, for both the public and private sectors, through appropriate regulatory, management, and marketing strategies;
- (d) Promote the development of cost-effective and environmentally sound techniques to extract energy from wastes, including sludge; and
- (e) Develop an effective public education program to encourage residents and businesses to reduce litter and promote recycling.

404.3 The Department of Public Works shall enforce adopted noise regulations pertaining to the operation of solid waste hauling equipment in or near residential neighborhoods by limiting vehicular operating permits to the restricted hours and locations set forth in the regulations.

404.4 Prohibit the siting of Solid Waste/Trash Transfer Stations in, adjacent to, or near (within 500 feet) of any other use. All such facilities should possess valid (permanent) Certificates of Occupancy and any other necessary operating permits.

405 PROTECTING THE QUALITY OF THE LAND AREAS

405.1 The objective for protecting the quality of the land areas is to protect the overall environmental quality of the District's land areas by preventing further soil erosion, promoting the restoration of eroded areas, and enforcing prohibitions against illegal dumping and other destructive practices.

405.2 The policies established in support of the protecting the quality of the land areas objective are as follows:

- (a) Regulate land development activities to protect natural features, prevent further soil erosion, and prohibit construction practices which produce unstable soil and hillside conditions;
- (b) Maintain public space in a manner that prevents soil erosion;
- (c) Ensure that public construction activities do not result in the loss of natural features or in soil erosion and unstable hillside conditions;
- (d) Exercise special care for fragile natural features, particularly the Anacostia River wetlands, and execute corrective action to combat erosion of stream banks and to prevent ponding, siltation, and accumulation of debris;

- (e) Maintain street trees, promptly replace trees that have died or been destroyed, and encourage community groups and individual residents to assist the program of protecting and maintaining street trees;
- (f) Ensure public access to waterfront areas and protect and enhance their aesthetic and recreational qualities;
- (g) Enforce the prohibition against illegal dumping and littering and ensure that vacant lots and abandoned buildings are maintained free from debris through adequate funding of regulatory programs and public education campaigns;
- (h) Encourage the planting and retention of private trees through planning, zoning, building regulation; and any discretionary governmental action, and ensure the prompt removal of dying trees (or diseased portions thereof); and
- (i) Encourage flexibility by District government officials in the standards required for street/gutter/curb/sidewalk improvements. The flexibility should meet the need for the improvements while respecting the environment (as opposed to inflexibility that only meets the standards without regard to environmental effects).

406 ENVIRONMENTAL HEALTH AND SANITATION

406.1 The environmental health and sanitation objective is to promote public health and sanitation through the enactment and enforcement of regulations regarding food storage and handling, rodent control, elimination of rubbish pileups on vacant property; transport and disposal of harmful biological, chemical, and radioactive materials; and noise abatement.

406.2 The policies established in support of the environmental health and sanitation objective are as follows:

- (a) Provide an adequate regulatory and enforcement program for food handling and storage by maintaining a strong District program of restaurant and food service inspection to protect the public health, with exceptions through special regulations for cottage (home-based) businesses such as catering; Provided, that the businesses meet the requirements and regulations for home office occupations;
- (b) Continue and strengthen the successful “War on Rats” program of corrective actions and public education, adequate trash and refuse collection services, enforcement of anti-littering regulations, and encourage private businesses to keep adjacent public space clean and to provide trash receptacles;
- (c) Develop, implement, and maintain programs to manage the use, handling, transportation, storage and disposal of harmful chemical, biological, and

radioactive materials (hospital wastes, radioactive materials used in research and medical treatment, hazardous organic and inorganic chemicals are of special concern) including expanded enforcement of local regulations and the establishment of a training program on the handling of hazardous materials and on emergency planning;

- (d) Strengthen and enforce the noise control laws, including those regulating motor vehicle and public assembly noise, and inform citizens of their rights to file complaints against violators of these laws;
- (e) Develop a program to safely collect and dispose of household hazardous wastes, including batteries, paints, household cleaners, and other harmful wastes generated by residential properties; and
- (f) Provide an adequate regulatory and enforcement program to minimize perpetual sources of noise, whether at or above ground level, and to require that sound barriers, especially on roofs, should be placed between sources of noise and people living or working in nearby buildings.

407 CONSERVING WATER

407.1 The conserving water objective is to promote water conservation in order to ensure adequate supplies of potable water at all times and reduce water and sewage treatment costs and effluent discharges to the rivers.

407.2 The policies established in support of the conserving water objective are as follows:

- (a) Practice water conservation in all District government facilities and operations and promote conservation by businesses, the federal government, and the general public;
- (b) Eliminate leakage in the water distribution system and maintain that system in good order; and
- (c) Require that new construction or substantial repair of residential or commercial kitchen, bathroom, and laundry facilities include plumbing fixtures which conserve water as part of the new construction or renovation.

408 CONSERVING ENERGY

- 408.1 The conserving energy objective is to promote efforts to achieve and maintain efficient use of energy, sufficient energy supplies, and the maximum use possible of plentiful energy sources.
- 408.2 The policies established in support of the general conserving energy objective are as follows:
- (a) Promote efficient use and management of nonrenewable energy resources through a series of incentives, initiatives, and mandates;
 - (b) Foster the development of alternative energy resources and systems that will reduce the dependence on imported energy, provide opportunities for economic and community development, and benefit the quality of the environment;
 - (c) Develop and sustain a cooperative process in which energy consumers, energy providers, and the government will continue to plan and execute actions designed to achieve a secure and affordable energy future;
 - (d) Minimize the possibility of energy shortages and resulting hardships; and
 - (e) Reduce the impact of rising energy costs on those members of the community least able to afford them.
- 408.3 The policies established for land use and zoning in support of the conserving energy objective are as follows:
- (a) Review and amend building codes and zoning ordinances where appropriate so they do not inadvertently act as barriers to the installation and application of energy efficiency and solar and renewable resource measures;
 - (b) Develop an appropriate mix of economic incentives to encourage the use of energy efficiency and renewable energy techniques in the private sector. Regulatory techniques for achieving energy efficient land use development should be balanced with a program of incentives;
 - (c) Include energy efficiency consideration and solar and renewable alternate energy concepts in appropriate zoning, land use, and building regulatory processes. Building and site designs should be consistent with energy efficiency considerations;
 - (d) Provide the District's planners, architects, and engineers with the necessary training to incorporate energy efficiency and solar and renewable energy concepts into their work. Planners, architects, and engineers with the responsibility for enforcing the land development regulations should be trained in the principles and practices of energy applications to integrate energy considerations with the land

development processes so that future building construction will incorporate energy efficient design techniques; and

- (e) Recognize the importance of the building height limitation to solar energy development.

409 FOOD PRODUCTION AND URBAN GARDENS

409.1 The food production and urban gardens objective is to improve the quality of life of the citizens of the District by encouraging the cultivation of produce gardens on public and private land.

409.2 The policies established in support of the food production and urban gardens objective are as follows:

- (a) Encourage citizens to plant backyard gardens;
- (b) Encourage citizens to cultivate community gardens and encourage and allow rooftop gardens, where feasible;
- (c) Inventory publicly and privately owned tracts of land that are suitable for cultivation and, after a site assessment, make suitable land available to citizens;
- (d) Encourage the development of a series of food buying clubs to encourage residents to shop wisely and select nutritious foods;
- (e) Enhance the capability of the Cooperative Extension Service of the University of the District of Columbia to provide technical assistance and research in the form of educational materials and programs for citizen gardening efforts;
- (f) Enhance the capability of private nonprofit community gardening organizations to provide technical assistance in the organization and development of community gardens;
- (g) Encourage the Board of Education to make appropriate portions of buildings and grounds available for community gardens, and to use buildings and grounds for instructional programs in science and gardening classes that prepare students for agriculture-related businesses, such as landscaping and restaurant produce supply and, therefore, lessen unemployment;
- (h) Encourage summer employment programs operated by the District government to participate in community gardening;
- (i) Mobilize private sector and foundation support for community gardening projects; and

- (j) Encourage the creation and maintenance of produce markets in all quadrants of the District to provide outlets for community gardens and other producers.

410 REDUCING THE IMPACT OF AIRCRAFT NOISE

410.1 The reduction of the impact of aircraft noise objective is to promote interior noise level reductions in areas affected by high aircraft noise with measurements of sixty-five (65) Day-Night Average Sound Level (Ldn) or higher.

410.2 The policies established in support of the reduction of the impact of aircraft noise objective are as follows:

- (a) Support modification of the zoning regulations and maps to provide support for the establishment of the Washington National Airport Noise Impact Area (“Noise Impact Area”), which shall include all land within the District that falls within the sixty-five (65) Ldn and higher noise contours, upon being mapped for the Washington National Airport Master Plan by the Metropolitan Washington Airports Authority and approved by the Federal Aviation Administration. Only new construction within the Noise Impact Area shall be required to comply with interior noise level reduction standards set forth in the Federal Aviation Administration’s Advisory Circular Number 150-5020-1, issued on August 5, 1983, entitled “Noise Control and Compatibility Planning for Airports.” The development of interior noise level reduction standards shall be coordinated with appropriate District government agencies; and
- (b) Support modification of the Construction Codes to provide for interior noise level reduction requirements for new construction within the Washington National Airport Noise Impact Area as may be mapped by the Zoning Commission. The interior noise level reduction standards for new construction within the Noise Impact Area shall be based on the Federal Aviation Administration’s Advisory Circular Number 150-5020-1, issued on August 5, 1983, entitled “Noise Control and Compatibility Planning for Airports.”

411 REDUCING THE IMPACT OF ELECTROMAGNETIC FIELD RADIATION

411.1 It is reasonable to conclude that reducing exposure to electromagnetic fields (EMF) at all points on the spectrum increases public safety. Doing nothing while waiting for conclusive evidence about human health effects is not a reasonable response to the potential risks associated with EMFs.

411.2 The policies established in support of reducing the impact of electromagnetic field radiation are as follows:

- (a) The District government officials must incorporate prudent avoidance in decisions regarding the approval, location and routing, and intensity of electromagnetic field (EMF) generating facilities such as generators, power lines, and antennas; and
- (b) Facilities should be located only when and where necessary based on the local service needs of property owners, and facilities should be designed using methods to mitigate, to the greatest extent practicable, involuntary exposures to the public and adverse effects on park land, public space, and private property.

412 PUBLIC ACTION

412.1 The public action objectives are to provide for adequate funding and coordination of environmental protection activities and to properly consider and coordinate the environmental implications of public actions.

412.2 The policies established in support of the public action objectives are as follows:

- (a) Provide for public education and the enforcement of statutory requirements relating to littering, noise control, and similar matters affecting the public. A program of intensive enforcement is needed to create greater public acceptance and compliance with environmental regulations;
- (b) Provide adequate resources for enforcement programs relating to food handling, rodent control, hazardous materials handling and disposal, noise control, soil erosion control, and other environmental health and safety concerns;
- (c) Provide procedures to assess the environmental implication of major development projects, including public utility and regional projects that affect the District, in a coordinated manner in accordance with the Large Tract Review Procedures of the Office of Planning, effective December 12, 1986 (10 DCMR §2300 *et seq.*). The program of environmental assessments should be designed to ensure the inclusion of pertinent major information about the environment in the coordinated review of development proposals required by the Plan;
- (d) Develop a coordinated environmental protection program for water and air quality improvement and other matters of environmental concern with affected jurisdictions through appropriate regional organizations and entities;
- (e) Continue to provide direct financial assistance to households, recognizing that persons with low and fixed incomes often pay a disproportionate share of their income for energy and recognizing that government and utility-sponsored assistance programs provide a valuable service;
- (f) Expand energy-related technical assistance programs;

ENROLLED ORIGINAL

- (g) Establish a coordinated energy financing program;
- (h) Establish a thorough energy management program for all District government agencies. This program should address facilities energy management, vehicle fleet management, life-cycle costing for the procurement of goods and services, and employee awareness. Central to this program should be the policy that each agency is responsible for its energy consumption and costs. These efforts should be supported by necessary training and technical assistance to the agencies;
- (i) Continue efforts that enable public and private schools and hospitals in the District to undertake energy audits, technical analyses, and the installation of energy conservation measures;
- (j) Continue to support an expanded, fully-integrated bus and subway system and work with the other member jurisdictions of the Washington Metropolitan Area Transit Authority to ensure that the Metrorail system is constructed as planned and that the Metrorail and bus systems are integrated to provide consistent and reliable service throughout the National Capital region;
- (k) Continue to support transportation alternatives to the one-person automobile (Car pools, van pools, bicycles, commuter bus service, and jitney bus services will provide viable means for the movement of people.);
- (l) Continue the efforts to improve the traffic signalization system;
- (m) Promote citizen awareness concerning energy issues, provide a foundation for new initiatives, and provide a framework which encourages neighborhood-based educational and demonstration initiatives;
- (n) Develop and sustain an expanded community energy information service within the District government that provides consumers with needed objective and credible information related to energy techniques and products. Several education and information programs are operated by the private sector, public interest groups, the utilities, and the District government. These programs need to be coordinated in order to ensure that up-to-date, thorough information is accessible to the community in an efficient and effective manner;
- (o) Provide technical assistance in the development of a program of demonstration workshops, conferences, and information seminars. Available technical resources within the public and private sectors should be coordinated and made available to community organizations, the school system, and other organizations;
- (p) Develop and maintain an on-going energy data program and establish a processing and reporting system for use by both public and private sector. The establishment of this data program will provide a central repository and clearinghouse for District

ENROLLED ORIGINAL

energy supply information and consumption data, cost data, projections, and forecasts. It will assist in supporting the analysis of energy programs and decisions and will provide a monitoring and alert system for District officials and citizens in the event of energy-related emergencies;

- (q) Encourage the use of energy efficiency techniques, load management techniques, and solar-energy and alternative-energy technologies to replace the need for additional fossil fuel-based generation and distribution facilities;
- (r) Continue to explore proposing to the Public Service Commission rate structure changes which encourage the efficient use of energy resources. The rates at which energy services are provided affect not only how that energy is used, but also the economic viability of alternative incentives to providing energy services. Use of economic incentives and disincentives should also govern the application of the rate charges to the various classes of utility ratepayers;
- (s) Develop or expand programs to increase public awareness and educate the youth from pre-school through high school about the importance of respecting and protecting the environment now and in the future;
- (t) Establish indoor air quality policies and programs for both the workplace and housing to ensure adequate radon testing and abatement procedures;
- (u) Upon receipt of an application for a building permit for any action subject to the environmental impact statement requirements of the District of Columbia Environmental Policy Act of 1989, effective October 18, 1989 (D.C. Law 8-65; D.C. Code §6-981), the Mayor shall do the following
 - (1) Send the application to the appropriate agency for review to determine if there is a significant impact on the environment; and
 - (2) Simultaneous with sending the application to the appropriate agency, the Mayor shall submit an application to an affected ANC and provide an affected ANC with not less than thirty (30) days to review the environmental analysis prior to a finding of impact or no impact.
- (v) Encourage the Metropolitan Washington Airports Authority to improve airport operations and reduce aircraft noise related to Washington National Airport, especially affecting neighborhoods along the Potomac and Anacostia Rivers; and
- (w) Encourage the federal government to reduce noise from the operation of helicopters operated by federal agencies, especially over residential areas along the Potomac and Anacostia Rivers and especially between the hours of 10:00 p.m. and 7:00 a.m.

412.3 The Department of Consumer and Regulatory Affairs shall enforce adopted regulations restricting the time of operation of construction equipment and other noise-generating construction activities in or near residential neighborhoods.

499 DEFINITIONS

499.1 The provisions of §199 of chapter 1 of this title and the definitions set forth in that section shall be incorporated by reference in this section.